

February 16, 2004

Commissioner of Social Security
Social Security Administration
P.O. Box 17703
Baltimore, MD 21235-7703

**RE: Evidence Requirements for Assignment of Social Security Numbers (SSNs);
Assignment of SSNs to Foreign Academic Students in F-I Status; Proposed Rule,
Regulations No. 22, RIN 0960-AF87**

Dear Commissioner:

The Graduate Management Admission Council® (GMAC®) respectfully submits these comments on the proposed rule referenced above, which was published in the Federal Register on December 16, 2003.

The Nature of the Council's Interest

GMAC® is an education association composed of representatives from leading business schools worldwide. While most of our member schools are located in the United States, GMAC® helps people around the world realize success and fulfillment through their participation in MBA and other graduate management and professional programs. Many of those individuals are foreign students who enroll in business schools in the United States. In the academic year 2000-2001, over 30% of foreign students who received a master's degree in the United States received a master's degree in business.¹

GMAC® appreciates the concerns driving the proposed rule and strongly supports the overall objective of reducing fraud and enhancing the integrity of the SSA's enumeration process. However, we are concerned that the proposed rule will place undue burdens on F-I students and their universities. We therefore encourage the SSA to consider revising the rule to reduce those burdens and to clarify the nature of the additional obligations that schools are being asked to undertake.

The Proposed Rule

The rule proposes to revise the SSA's process for assigning social security numbers to foreign students in F-I status by requiring additional evidence from the schools' designated student officials (DSO) and from the F-I students. According to the proposed rule, the SSA would not assign a social security number to an F-I student until the student provides proof of his F-I

¹ From "Digest of Education Statistics, 2002," Table 268, by the National Center for Education Statistics, <http://nces.ed.gov>.

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status along with an employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Service (CIS) or evidence from the applicable DSO of the student's authorization to work and evidence from the student that he is engaged in or has secured employment. The required evidence from the DSO would be written confirmation of "[t]he nature of the employment [the student] will be engaged in," and of "[t]he identification of the employer for whom the [the student] will be working." In addition to this information from the school, the student would have to provide "documentation that [he/she is] engaging in, or ha[s] secured employment; e.g., a statement from your employer."

The Concerns of GMAC

The Proposed Rule Unfairly Burdens Some F-I Business Students

In comments filed with your office on February 10, 2004, the American Council on Education (ACE) and several other higher education associations expressed concern about the adverse consequences that the proposed rule could have on some F-I student visa holders. GMAC® shares those concerns. By limiting the issuance of social security numbers to F-I students who have secured employment, the proposed rule would disadvantage F-I MBA students who do not choose to work or are unable to secure employment -- as is true for a large number of MBA students. Those students would have difficulty obtaining drivers licenses, opening bank accounts, securing housing, and accessing other benefits and services for which they may otherwise be entitled and have an entirely legitimate need.

The Proposed Rule Imposes Undue Burdens And Unclear Obligations On Schools

GMAC® is particularly concerned about the proposed rule's potential impact on graduate business schools. The rule requires schools to provide letters that "authorize" the employment of F-I students who do not have EADs. In this regard, we assume that there is no intention on the SSA's part to put colleges and universities in the role of independent fact-finder, with an obligation to conduct background investigations on the prospective employment of their students. Any such requirement would impose significant administrative and financial costs on schools and inappropriately involve them in the performance of SSA's responsibility to investigate and evaluate requests for social security numbers.

Moreover, such a requirement appears to be unnecessary. The school "authorization" letter called for under the proposed rule would require schools to provide information that the SSA presumably would already be receiving by way of the employer statement required under the new rule. It makes far more sense to have the student's employer provide specific information about the identity of the employer and the "nature of the [student's] employment" than to have the school do so.

We therefore suggest that the proposed rules be revised to remove the requirement of a school "authorization" letter. In the alternative, SSA should at least revise the proposed rule to make clear that the "authorization" letter that is contemplated from schools would simply be a confirmation by the school's DSO that the employment information provided by a given student to the school is employment that the student is allowed to perform relative to the academic program in which he or she is enrolled. The responsibility for confirming the identity of the student's employer (i.e., confirming the name and address of the employer, an appropriate contact at the employer, etc.) and the nature of the student's work would lie with the employer, by way of its "employer statement", and not with the schools. This suggested change could be accomplished fairly easily by:

DELETING the following language from proposed Section 422.107(e)(2)(i):

"You must also submit documentation from your designated school official that includes: (A) The nature of the employment you are or will be engaged in, and (B) The identification of the employer for whom you are or will be working."

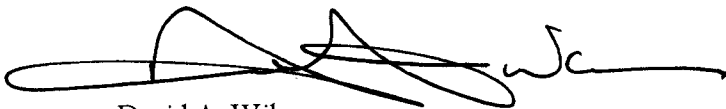
AND

REVISING proposed Section 422.107(e)(2)(ii) to read, in relevant part, as follows:

"... You must also provide us with documentation that you are engaging in, or have secured, employment, consisting of a written statement from your employer that includes: (A) The nature of the employment that you are or will be engaged in, and (B) The specific identification of the employer for whom you are or will be working (including the full name and address of the employer, and the name and telephone number of a contact person at the employer in case any questions arise regarding your employment)."

Thank you for this opportunity to comment. We encourage the SSA to reconsider the proposed rule in light of these comments, and we would be glad to assist with the process if that would be helpful to your office.

Sincerely,

A handwritten signature in black ink, appearing to read 'David A. Wilson', with a long horizontal flourish extending to the right.

David A. Wilson
President and Chief Executive Officer